

TEN GOALS OF OPENING STATEMENTS

1. Give jury a preview of what case is about; tell the story.
Educate jurors about the crime
2. Tell jury the key facts.
3. Describe the severity of the crime.
3. Show the jury that you are confident about your case.
5. Tell the jury the punishment you are seeking.
6. Describe victim and his or her injuries.
4. Use good posture.
8. Maintain eye contact.
5. Be courteous to judge, jurors, defendant, and defense counsel.
6. Keep it brief and to the point.

TEN GOALS OF DIRECT EXAMINATION

1. Tell the story.
2. Be friendly and polite.
3. Ask simple and open-ended questions.
4. Do not lead the witness (e.g., ask a question that suggests the answer).
5. Ask all questions you want the jury to hear answers to.
 - Listen to answers.
6. Possible areas of Direct Exam:
 - The crime itself
 - Defendant's history
 - Value of property lost
 - Resulting injuries
 - Punishment already received
7. Introduce a maximum of two documents to the court.
8. Be brief.
9. **BE PREPARED**

SAMPLE DIRECT EXAMINATION QUESTIONS

A. BACKGROUND

1. Please state your name for the record
2. What school do you go to?
3. What grade are you in?
4. What extracurricular activities do you participate in?

B. THE OFFENSE

5. Do you recall an event that happened on _____?
6. Where were you?
7. Why were you there?
8. Was anyone else present?
9. What happened next?
10. What have you learned from this experience?

C. AGGRAVATING AND MITIGATING FACTORS

Prosecution (aggravating):

1. Do you know if Defendant planned to carry out this crime in advance?
2. Did the Defendant act alone or with another person?

Defense (mitigating):

1. Have you received any punishment (e.g., by parents or school)
2. What type of punishment did you receive?
3. Do you regret what you did?
4. Why?
5. Have you ever done anything like this before?
6. Is there anything else you want to say?

TEN GOALS OF CROSS-EXAMINATION

1. Be brief - - Make one or two points.
2. Ask leading questions.
3. Listen to the answers.
4. Don't argue with the witness.
5. Avoid repetition.
6. Ask questions where the response will be favorable to your case.
7. Clear up any confusion from the direct testimony.
8. Be fair.
9. Possible areas of Cross Examination:
 - Accuracy of Testimony
 1. Example:
 - a. The cost of property lost or damaged - make sure the witness is not misleading the jury about losses.
 - Punishment received by the defendant
 - Witness' or defendant's background
10. **BE PREPARED!**

SAMPLE CROSS-EXAMINATION QUESTIONS

A. BACKGROUND

1. You have been friends with Defendant for several years right?
2. You attend Patrick Henry High School, isnt that true?

B. THE OFFENSE

3. You took that shirt without paying for it right?
4. You acted alone didn't you?
5. You have only been a police officer for 2 months?
6. You never actually saw Mr. Johnson take the shirt of the hanger did you?

C. AGGRAVATING AND MITIGATING FACTORS

Prosecution (aggravating):

1. You planned to steal before you even entered the store, isn't that a fact?
2. In fact, you planned to steal even more than you took right?

Defense (mitigating):

1. Defendant was very remorseful when you contacted him, wasn't he?
2. In fact, he cried when you arrested him right?
3. You still handcuffed him though?
4. He confessed to taking everything even before you asked, true?

POSSIBLE OBJECTIONS

(no more than 2 per hearing per team)

1. Vague and Confusing

Make this objection when the a question is asked that is too difficult for the witness to understand and answer.

Example:

Question: Did you steal the backpack or return it later?

2. Asked and Answered

Make this objection when the same question or a very similar question was already asked by the same person.

Example:

Question: How much was your Walkman worth?

Answer: Twenty dollars

Question: How much did you pay for your Walkman?

3. Non-responsive

Make this objection when there is a response to a question that does not answer the question asked.

Example:

Question: When did Johnny steal your purse?

Answer: I have never liked Johnny - he's a jerk.

4. Speculation

When a question is asked of what someone else thinks, knows or believes

Example:

Question: Do you think Elmore learned his lesson?

Question: Did Shirley know doing that was wrong?

TEN COMMANDMENTS FOR WITNESSES

Before the hearings begin, attorneys should inform their respective witness(es) as follows:

1. **TELL THE TRUTH**--In a lawsuit, as in all other matters, honesty comes first. Telling the truth, however, means more than refraining from telling a deliberate falsehood. Telling the truth requires that a witness testify accurately about what he or she knows.
2. **DON'T GUESS**--If you don't know, say you don't know.
3. **BE SURE THAT YOU UNDERSTAND THE QUESTION**--You cannot possibly give a truthful and accurate answer unless you understand the question. If you don't understand the question, ask the lawyer to repeat it. He or she will probably ask the court reporter to read it back.
4. **TAKE YOUR TIME AND ANSWER THE QUESTION ASKED**--Give the question as much thought as it requires to understand it and formulate your answer, then give the answer. If you can answer the question "yes" or "no", do so.
5. **GIVE A LOUD AUDIBLE ANSWER**--Everything you say is being recorded. Don't nod or shake your head yes or no.
6. **DON'T LOOK FOR ASSISTANCE WHEN YOU'RE ON THE STAND**--If you think you need help, request to speak to the judge.
7. **BEWARE OF QUESTIONS INVOLVING DISTANCES AND TIME**--If you make an estimate, make sure that everyone understands that you are estimating.
8. **BE COURTEOUS**--Be sure to answer, "Yes sir" and "No sir" and to address the judge as "Your Honor." *DON'T LOSE YOUR TEMPER!*
9. **ANSWER QUESTIONS FREELY ABOUT WITH WHOM YOU'VE TALKED** --If asked whether you have talked to the lawyer on your side, or to an investigator, admit it freely if you have done so.
10. **AVOID JOKING AND WISECRACKS**--A lawsuit is a serious matter. Smart talk or evasive answers may jeopardize the case.

TEN GOALS OF CLOSING ARGUMENT

1. Summarize the facts that support your case.
2. Ask for specific punishment.
3. Convince the jury that your position is the appropriate position.
4. Show the jury your personal conviction.
5. Explain the reasons for sentence.
6. Organize argument into three sections:
 - a. Prosecutor's example:
 - i. The crime - describe the severity of the defendant's actions.
 - ii. The victim - describe all the damages to the victim.
 - iii. The punishment - ask the jury for a specific sentence and explain your reasons.
 - b. Defense example:
 - i. The crime - describe mitigating circumstances.
 - ii. Defendant's history/remorse - describe the good sides of the defendant and his/her actions.
 - iii. The punishment - ask the jury for lenient punishment and explain your reasons. Point out any punishment the defendant has already received.
7. Ask the jury members to use their good judgment .
8. Use eye contact.
9. Be fair.
10. **BE PREPARED!**